

# HOUSE BILL 1402

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By: **Chair, Appropriations Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Waiver of Tuition and Fees – Clarifying Foster Care**  
3 **Recipients**

4 FOR the purpose of altering the age a foster care recipient may be eligible for waiver  
5 of certain tuition and fees; providing for waiver of tuition and fees for the sibling  
6 of a foster care recipient; defining a certain term; and generally relating to  
7 foster care youth.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 15–106.1  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Education**

16 15–106.1.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Foster care recipient” means an individual who:

19 (i) Was placed in an out-of-home placement by the Maryland  
20 Department of Human Resources; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) 1. Resided in an out-of-home placement in the State at  
2 the time the individual graduated from high school or successfully completed a general  
3 equivalency development examination (GED); or

4 2. A. Resided in an out-of-home placement in the  
5 State on the individual's [14th] **13TH** birthday; and

6 B. Was adopted out of an out-of-home placement after  
7 the individual's [14th] **13TH** birthday.

8 (3) "Out-of-home placement" has the meaning stated in § 5-501 of the  
9 Family Law Article.

10 (4) **"SIBLING" MEANS A YOUNGER CHILD WHO:**

11 (I) **SHARES ONE OR BOTH PARENTS OF A FOSTER CARE**  
12 **RECIPIENT BEFORE THE ADOPTION; AND**

13 (II) **HAS BEEN ADOPTED BY A SINGLE FAMILY WHERE ONE**  
14 **OF THE ADOPTED YOUTH IS 13 YEARS OR OLDER.**

15 [(4)] (5) (i) "Tuition" means the charges imposed by a public  
16 institution of higher education for enrollment at the institution.

17 (ii) "Tuition" includes charges for registration and all fees  
18 required as a condition of enrollment.

19 (b) (1) Except as provided in paragraph (2) of this subsection, a foster care  
20 recipient is exempt from paying tuition at a public institution of higher education if:

21 (i) The foster care recipient is enrolled at the institution on or  
22 before the date that the foster care recipient reaches the age of 21 years;

23 (ii) The foster care recipient is enrolled as a candidate for an  
24 associate's degree or a bachelor's degree; and

25 (iii) The foster care recipient has filed for federal and State  
26 financial aid by March 1 each year.

27 (2) If a foster care recipient receives a scholarship or grant for  
28 postsecondary study and is enrolled before the recipient's 21st birthday as a candidate  
29 for an associate's degree or bachelor's degree at a public institution of higher  
30 education, the foster care recipient may not be required to pay the difference between  
31 the amount of the scholarship or grant and the amount of the tuition.

32 (3) A foster care recipient who is exempt from tuition under this  
33 section continues to be exempt until the earlier of:

1                   (i)     5 years after first enrolling as a candidate for an associate's  
2 degree or a bachelor's degree at a public institution of higher education in the State; or

3                   (ii)    The date that the foster care recipient is awarded a  
4 bachelor's degree.

5           **(C)   EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, A**  
6 **SIBLING OF A FOSTER CARE RECIPIENT IS EXEMPT FROM PAYING TUITION AND**  
7 **FEES AT A PUBLIC INSTITUTION OF HIGHER EDUCATION.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.